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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91190169
Party	Defendant Susino USA, LLC
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Attachments	Applicant INTERROGATORIES 12-23-2009.pdf ( 11 pages )(57395 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In The Matter of App. Ser. No. 77/355,544    )

)

SUSINO UMBRELLA CO., LTD.                    )

Opposer,    )

v.    )

SUSINO USA, LLC                                )

Applicant,                                        )

Opposition No. 91190169

**APPLICANT’S INTERROGATORIES TO OPPOSER**

Pursuant to Trademark Rule of Practice 2.120 (37 U.S.C. § 2.120), Trademark Trial and Appeal Board Manual of Procedure § 406, and Federal Rule of Civil Procedure 33, Applicant and Counterclaimant Susino USA requests that Opposer and Counter-respondent Susino Umbrella answer the following Interrogatories separately and fully, in writing, under oath within thirty (30) days after date of service.

For the purpose of these Interrogatories, the following definitions and instructions shall apply:

**DEFINITIONS**

1. The term Susino Umbrella, “you,” and “your” refer to Opposer and Counter-respondent and include any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, owners, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies,

affiliated companies, or joint venturers.

2. The term Susino USA refers to Applicant and Counterclaimant and includes any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers,

3. The term SUSINO means any word, name, symbol or device or other designation of origin incorporating the letter string SUSINO or its phonetic equivalent, in which you claim rights, including any trademark, service mark, or Internet domain name.

4. The term SUSINO means trademark application the mark SUSINO with an effective filing date of April 2007.

5. The term “person” means any natural person or any business, legal or governmental entity, or association.

6. The term “document” as used herein is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34, any “writings and recordings” and “photographs” as defined by Federal Rule of Evidence 1001, and its interpretation by the courts, and includes, without limitation, all originals, drafts, and non-identical copies of any written, printed, typed, recorded, electronic, magnetic, optical, punched, copied, graphic or other tangible thing in, upon or from which information may be conveyed, embodied, translated, or stored (including, but not limited to, papers, records, books, correspondence, contracts, minutes of meetings, memoranda, notes on desk calendars and appointment books, intra-office communications, canceled checks, invoices, telegrams, telexes, dictation or other audio tapes, video tapes, studies, electronic mail, information stored in computer readable form, on a compact disc, or any other type of data

storage device or medium, computer printouts, microfilm, microfiche, laser disks, diaries, calendars, photographs, charts, viewgraphs, drawings, sketches and all other writings or drafts thereof), as well as all other tangible things subject to production under Federal Rule of Civil Procedure 34.

7. The term “identify,” when referring to:

a. a natural person, means to give his or her full name, present or last address and telephone number, last known place of employment and job title;

b. a public or private corporation, partnership, association, agency or other entity, means to give its present or last known address and telephone number, and state of incorporation, if applicable;

c. a document, means to state its general character, title, date, addressee or recipient, author or signatory, present location, and who has possession, custody or control of the document, provided, however, that answers to interrogatories requesting identifications or descriptions of certain communications or documents may be satisfied by attaching a true and correct copy of any written documents, as described herein, containing the requested information;

d. a product, means to provide a description of the item which is offered for sale, and the intended market for the product;

e. a service, means to describe the service and the intended market for the service.

8. The term “communication” is defined as any transmission or exchange of information between two (2) or more persons, orally or in writing, and includes, without limitation, any conversation or discussion, whether face-to-face or by means of telephone, letter, facsimile, electronic or other media.

10. The terms “relating to” and “related to” mean, without limitation, concerning, containing, evidencing, describing, constituting, referring to, explaining, discussing or reflecting.

11. The use of a present tense shall include past tenses.

12. The use of the singular form of any word also includes the plural and vice versa.

13. The terms “all” and “each” shall each be construed to include the other.

### **INSTRUCTIONS**

1. In answering these Interrogatories, furnish all information, including information contained in or on any document, that is known or available to you, including all information in the possession of your attorneys or other persons acting on your behalf or under your attorneys’ employment or direction.

2. If you cannot answer any interrogatory fully and completely after exercising due diligence to make inquiries and secure information necessary to do so, so state, and answer each such interrogatory to the full extent you deem possible; specify the portion of such interrogatory that you claim you are unable to answer fully and completely; state the facts on which you rely to support your contention that you are unable to answer such interrogatory fully and completely; and state what knowledge, information and/or belief you have concerning the unanswered portion of each such interrogatory.

3. If there is any item of information that you refuse to disclose on grounds of privilege or work-product immunity, answer so much of the interrogatory as does not request information for which you claim privilege, state the nature of the privilege you claim, and provide sufficient details, including the nature of the information, its source, its subject

matter, and the names of all persons to whom that information was disclosed, such as would enable the claim of privilege or immunity to be adjudicated.

4. If the response to any interrogatory consists, in whole or in part, of an objection relating to burdensomeness, then with respect to such response:

a. Provide such information as can be ascertained without undue burden;

b. State with particularity the basis for such objection including:

i. a description of the process or method required

to obtain any fact responsive to the interrogatory; and

ii. the estimated cost and time required to obtain any fact responsive to the interrogatory.

5. These interrogatories are continuing and require further answer and supplementation, as provided by Federal Rule of Civil Procedure 26(e).

### **INTERROGATORIES**

Consistent with the foregoing definitions and instructions, please answer the following interrogatories:

#### **INTERROGATORY NO. 1:**

Identify each officer of your company, including each officer's name, title, address, and job duties.

#### **INTERROGATORY NO. 2:**

Identify each predecessor, parent, or subsidiary of Susino Umbrella.

#### **INTERROGATORY NO. 3:**

Describe in detail the circumstances through which you first became aware of Susino USA's and its use of the Susino mark.

#### **INTERROGATORY NO. 4:**

Identify each person who participated in the selection of Susino mark.

**INTERROGATORY NO. 5:**

Identify each person who participated in a decision to file any application for registration of Susino mark.

**INTERROGATORY NO. 6:**

Identify every product and service in connection with which you have used or are using Susino mark.

**INTERROGATORY NO. 7:**

For each product and service requested to be identified in Interrogatory No. 6, identify the persons most knowledgeable about each product or service.

**INTERROGATORY NO. 8:**

For each product and service requested to be identified in Interrogatory No. 6, identify the price at which each of those products and services is offered.

**INTERROGATORY NO. 9:**

For each product and service requested to be identified in Interrogatory No. 6, state the facts that support the exact date, upon which you intend to rely, of first use of Susino mark in the United States to identify the product or service.

**INTERROGATORY NO. 10:**

Identify the persons with most knowledge about the facts stated in response to Interrogatory No. 9.

**INTERROGATORY NO. 11:**

For each product and service requested to be identified in Interrogatory No. 6, explain the extent to which there has been any interruption to continuous use of Susino mark to identify the product or service.

**INTERROGATORY NO. 12:**

For each product and service requested to be identified in Interrogatory No. 6, describe the channels of trade of the product or service,

**INTERROGATORY NO. 13:**

For each product and service requested to be identified in Interrogatory No. 6, identify the persons most knowledgeable about the sales and distribution of the product or service.

**INTERROGATORY NO. 14:**

For each product and service requested to be identified in Interrogatory No. 6, identify the persons most knowledgeable about the advertising and promotion of the product or service.

**INTERROGATORY NO. 15:**

For each product and service requested to be identified in Interrogatory No. 6, list by calendar year the expenditures you have made on advertising and promotion of the product or service.

**INTERROGATORY NO. 16:**

For each product and service requested to be identified in Interrogatory No. 6, identify the nature and title (if applicable) of the media in which all advertisements of the product or service have appeared, including the date of, and geographic scope (by city and state) of such advertisements.

**INTERROGATORY NO. 17:**

For each product and service requested to be identified in Interrogatory No. 6, describe the target markets and characteristics of targeted consumers.

**INTERROGATORY NO. 18:**

For each product and service requested to be identified in Interrogatory No. 6, identify your major competitors and their competing products or services.

**INTERROGATORY NO. 19:**

For each product and service requested to be identified in Interrogatory No. 6, identify the geographic area in which the product or service is offered.

**INTERROGATORY NO. 20:**

Describe any studies, tests, ratings, or surveys related to the quality of the products and services offered under Susino mark.

**INTERROGATORY NO. 21:**

Describe any studies, tests, ratings, or surveys related to consumer recognition of Susino mark in the United States.

**INTERROGATORY NO. 22:**

Describe in detail each incident, known to you, of actual confusion between you or any of your products and services and Susino USA or any of its products and services.

**INTERROGATORY NO. 23:**

For each of the incidents described in response to Interrogatories No. 21, identify the persons with knowledge thereof.

**INTERROGATORY NO. 24:**

Identify any communications received by you that were addressed to or intended for Susino USA or Shu-lian Shyu

**INTERROGATORY NO. 25:**

Identify every trademark search you ever conducted relating to Susino mark.

**INTERROGATORY NO. 26:**

Identify every opinion, legal or otherwise, requested or received by you,

regarding the right to use of the mark Susino including the identity of the persons requesting the opinion, the date and substance of the opinion, and the persons receiving the opinion.

**INTERROGATORY NO. 27:**

Identify and describe any agreements in which you have licensed Susino mark for use by any other party.

**INTERROGATORY NO. 28:**

Identify any steps you have taken to exercise quality control in connection with the licenses identified in your response to Interrogatory 26.

**INTERROGATORY NO. 29:**

Describe in detail all efforts you have made to enforce against third parties, other than Susino USA, the rights you claim in Susino mark.

**INTERROGATORY NO. 30:**

Describe in detail any instances in which a third party, other than Susino USA, has challenged your right to use, or the rights you claim in, Susino mark.

**INTERROGATORY NO. 31:**

Identify all documents supporting your allegation in Paragraphs 3,4,5,6,7,8,9, and 10 of the Notice of Opposition that “Opposer, since at least as early as 2002 has been and is now using the mark Susino. Said use has been valid and continuous since date of first use and has not been abandoned.”

**INTERROGATORY NO. 32:**

Identify each expert witness that you intend to call in this proceeding, including the facts or subject matter about which they are expected to testify.

**INTERROGATORY NO. 33:**

Describe in detail any plans for future expansion of your use of Susino mark to products and services in connection with which the mark is not already in use.

Respectfully Submitted this date of December 23, 2009.

By: \_/s/ /Todd Nadrich/

Todd Nadrich  
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**Certificate of Service**

I hereby certified that the above and forgoing REQUEST FOR DOCUMENTS served upon  
Opposers by depositing a copy of same in the United States Mail, first class postage prepaid, on this  
23 day of December, 2009, addressed to:

Anbang Wang  
Jinou Industrial Park  
Dongshi Town  
Jinjiang, FJ 352771  
China,

/s/ /Todd Nadrich/

Todd Nadrich